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27 Attorneys for Defendants

18 **UNITED STATES DISTRICT COURT**
19 **EASTERN DISTRICT OF CALIFORNIA**
20 **SACRAMENTO DIVISION**

21 **BOBBY WARREN; ANDY LAMBACH;**
22 **JONATHON WILLIAMS; MICHAEL**
23 **SAMUELSON; TRACY MILLER;**
24 **TONA PETERSEN; CAROL BETH**
25 **THOMPSON; CHRISTA STEVENS,**

26 Plaintiffs,

27 v.

28 **CITY OF CHICO; CITY OF CHICO**
29 **POLICE DEPARTMENT,**

30 Defendants.

Case No. 2:21-cv-00640- MCE-DMC

31 **STIPULATION AND ORDER TO EXTEND**
32 **TRO AND CONTINUE PRELIMINARY**
33 **INJUNCTION HEARING**

34 Date: June 11, 2021

35 Time: 10:00 a.m.

36 Courtroom: Room 7, 14th Floor (via
37 videoconference)

38 Judge: Hon. Morrison C. England, Jr.

1 WHEREAS, on April 11, 2021, this Court granted the Temporary Restraining Order
2 requested by Plaintiffs Bobby Warren, Andy Lambach, Jonathon Williams, Michael Samuelson,
3 Tracy Miller, Tona Peterson, Carol Beth Thompson, and Christa Stevens (Plaintiffs) and set a
4 hearing on Plaintiffs' request for Preliminary Injunction for April 23, 2021;

5 WHEREAS, counsel for Plaintiffs and counsel for Defendants City of Chico and City of
6 Chico Police Department (collectively referred to here as Defendant) appeared at the April 23, 2021
7 hearing on Preliminary Injunction and the parties agreed and this Court ordered that the terms of
8 the Temporary Restraining Order are extended until May 14, 2021 and the hearing on the
9 Preliminary Injunction was continued to May 14, 2021;

10 WHEREAS, at the April 23, 2021 hearing on Preliminary Injunction this Court asked the
11 parties to discuss resolution of Plaintiffs' request for Preliminary Injunction;

12 WHEREAS, at its April 26, 2021-Special City Council meeting, Defendant formed a
13 Homeless Solutions Ad Hoc Committee of the City of Council and held six public hearings on
14 April 28, April 30, May 3, May 5, May 6, and May 7;

15 WHEREAS, counsel for the parties met on April 30, 2021 to discuss resolution of the
16 request for Preliminary Injunction, as well as resolution of this litigation, and intend to continue
17 these negotiations;

18 WHEREAS, on May 6, 2021 the parties signed a stipulation to extend the terms of the
19 Temporary Restraining Order through June 11, 2021 and to continue the hearing on the Preliminary
20 Injunction to June 11, 2021;

21 WHEREAS, on May 10, 2021 this Court ordered the terms of the Temporary Restraining
22 Order to be extended through June 11, 2021 and continued the hearing on the Preliminary
23 Injunction to June 11, 2021;

24 WHEREAS, Plaintiffs sent Defendant a written settlement letter on May 12, 2021;

25 WHEREAS, Defendant met at its regularly scheduled City Council meeting on May 18,
26 2021 and in closed session considered Plaintiffs' settlement letter;

27 WHEREAS Defendant responded to Plaintiffs and sent a written settlement proposal on
28 May 26, 2021;

1 WHEREAS, the parties' counsel spoke telephonically about the Defendant's settlement
2 proposal on May 28, 2021, and Defendant stated it would provide Plaintiffs' a revised settlement
3 proposal on or about June 2, 2021 after meeting with the City Council and discussing the settlement
4 proposal at Defendant's regularly scheduled June 1, 2021 City Council meeting;

5 WHEREAS, on June 1, 2021, the parties' counsel spoke telephonically after the City
6 Council meeting;

7 WHEREAS, on June 4, 2021, Defendant's counsel provided Plaintiffs' counsel with a
8 revised written settlement proposal for consideration;

9 WHEREAS, the parties desire that the hearing on the Preliminary Injunction be continued
10 and the Temporary Restraining Order be extended to give the parties more time to discuss and reach
11 a resolution that will alleviate the need for a preliminary injunction hearing;

12 IT IS THEREFORE STIPULATED, through the parties' respective undersigned counsel of record,
13 and ordered by this Court as follows:

- 14 1. The hearing on Plaintiffs' request for Preliminary Injunction is continued to June 25, 2021
15 at 10:00 a.m.
- 16 2. The parties shall file a joint status statement informing the Court of the status of their
17 discussions no later than June 18, 2021.
- 18 3. The terms of the Temporary Restraining Order [Docket Number 37] are extended through
19 June 25, 2021 or any date for which this Court sets a hearing on Plaintiffs' Preliminary
20 Injunction, if later than June 25, 2021, as follows:
 - 21 a. Defendants City of Chico and Chico Police Department, their agents, servants,
22 employees and attorneys and those in active concert or participation with them are
23 restrained and enjoined from the following:
 - 24 i. Enforcing or threatening to enforce the 72-Hour Illegal Encampment
25 Notifications dated April 8, 2021 at 12 p.m. at Comanche Creek Green Way
26 in Chico, California;
 - 27 ii. Issuing or enforcing any other 72-Hour Illegal Encampment Notifications as
28 to unhoused persons on public property in Chico, California;

- iii. Enforcing or threatening to enforce the Chico Municipal Code sections listed in the April 8, 2021 72-hour Illegal Encampment Notification, which are Municipal Code sections 12R.04.340, 12.18.430, 9.20.010 through 9.20.060; and 9.50.030. Enforcement and threat of enforcement of § 9.20.030 (Unlawful Camping) is only restrained on public property. Enforcement and threat of enforcement of § 9.50.030 is limited to §§ 9.50.030 (B) -(E) (Waterways Ordinance - Camping, Staying, Storage of Personal Property, Entering and Remaining);
 - iv. Enforcing or threatening to enforce California Penal Code § 647(c), which is listed on the April 8, 2021 at 12 p.m. Illegal Encampment Notification; and
 - v. Destroying property of unhoused persons seized by Defendants even if Defendants value the property at less than \$100 or determine it is not of reasonable value.

IT IS SO STIPULATED

PLAINTIFFS:

DEFENDANTS:

DATED: June 4, 2021

DATED: June 4, 2021

Legal Services of Northern California
By: Sarah J. Steinheimer
Attorney for Plaintiffs

Alvarez-Glasman & Colvin
By: Vincent C. Ewing
Eric G. Salbert
Attorneys for Defendants

IT IS SO ORDERED.

Dated: June 4, 2021

MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE